

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOSE CASTRO,

*Plaintiff,*

VS.

KIMBERLY KORY, MICHAEL  
THORNTON, CARL KERAWALLA,  
SHAWN KING, UNKNOWN SAN  
ANTONIO POLICE OFFICER(S),

*Defendants.*



SA-20-CV-01022-XR

## ORDER

Before the Court in the above-styled cause of action is Defendant Officers Kory, Thornton, Kerawalla and King's Opposed Motion for Protective Order [#46]. Defendants' motion seeks protection from the noticed in-person depositions of Defendant Officers Kerawalla and King scheduled for February 2, 2022. Defendants argue that the depositions should be taken via videoconference due to continued concerns about the COVID-19 pandemic, including that one of Defendants' attorneys has an employee and family member with compromised immune systems. Although Plaintiff has agreed to conduct the depositions of Defendant Officers Kory and Thornton via videoconference, Plaintiff believes that the depositions of Officers Kerawalla and King need to be in-person because these depositions will be more complex to conduct. Defendants' motion explains that there are approximately 30 hours of body-cam footage from the incident in question, extended portions of which will need to be viewed by the attorneys and deponents throughout the deposition, sometimes in conjunction with audio recorded by a different device.

After discussing the issues related to the deposition with the parties, the Court will grant the motion in part and order the parties to continue the depositions by at least four weeks in hopes that the status of the pandemic has improved in the San Antonio area by that time. If by the end of February, Defendants' concerns have not substantially abated due to improvements in the COVID-19 numbers and despite safety protocols available to mitigate risk, Defendants may renew their motion for a protective order.

**IT IS THEREFORE ORDERED** that Defendant Officers Kory, Thornton, Kerawalla and King's Opposed Motion for Protective Order [#46] is **GRANTED IN PART** as follows: Plaintiff is ordered to withdraw the deposition notices for Officers Kerawalla and King and serve amended notices on Defendants for the week of March 2, 2022. In all other respects, the motion is denied.

SIGNED this 31st day of January, 2022.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE